



MINUTES
KERMAN PLANNING COMMISSION
Regular Meeting Kerman City Hall
Monday, June 13, 2016, 6:30 PM

Chairman Robert Epperson, Vice-Chairman (vacant)
Commissioners Robert Bandy, Leopoldo Espino, Charlie Jones, Mario Nunez, Katie Wettlaufer

OPENING CEREMONIES

Call to Order – Chairman, Robert D. Epperson called meeting to order at 6:35 PM

Roll Call – Secretary, Olivia Pimentel, performed

Planning Commissioners Present: Epperson, Bandy, Wettlaufer, Nunez, Jones, Espino

Planning Commissioners Absent: None

Pledge of Allegiance - Performed

AGENDA APPROVAL/ADDITIONS/DELETIONS

1. **PRESENTATIONS** - None Offered

REQUEST TO ADDRESS THE COMMISSION – None Offered

2. **APPROVAL OF MINUTES**

- A. May 2, 2016, minutes, C/Jones made a motion to approve minutes as presented, second C/Bandy, unanimously approved.(6/0/0)

3. **PUBLIC HEARING**

- A. **Subject:** Public Hearing to consider Resolution Approving Conditional Use Permit (16-03) To Allow Kerman Baptist Church to occupy a site in and (M-2) Industrial Zone located at 15260 W. Church Avenue

Staff gave a brief overview of the staff report. Pastor Tom Boonstra submitted an application for a conditional use permit to locate a church site at 15260 W. Church Avenue in the industrial zone district. Staff explained that Church uses are not consistent with industrial zone uses; however the Kerman Municipal Code allows flexibility in the way it is written and allows these uses by way of a conditional use permit.

The subject site in located on a 1.26 acre site with a 5,000 sq.ft., building as shown on the site plan, fire department noted that an additional 305 sq. ft. overhang was not shown on the site plan and therefore, this would trigger the requirement for fire sprinklers according to the Kerman Municipal Code section 15.04.075, that requires any structures that exceed 5,000 sq. ft. and eaves or overhangs that exceed three (3) ft. require fire sprinklers (The existing eaves are 5 x 61 = 305 sq. ft.)

The Commission was informed that they could not override the requirements of the ordinance or can the commission waive fire code life safety requirements or Accessibility requirements. The commission could only approve the change of use and conditional use permit per state law, and could not waive the fore-mentioned requirements. The building code and fire department determine whether to allow a change in occupancy and the Commission's only action was to decide whether to allow the conditional use or not.

The issue of the Religious Land Use and Institutional Persons Act of 2000 (RLUIPA) was discussed and it was noted this law prohibits jurisdictions from imposing land use regulations with significant restriction or burden on any religious activity or land use request. Staff noted that this was not the issue in this case and would not apply because the building code and fire code regulate life and safety issues and the structure itself would have to be brought up to code and in compliance with the requested occupancy use which for a church is (A3) to keep it safe for their church members in mind and the uses that are being proposed. The existing building was designed for commercial warehouse and office use. Fire department noted that Churches are much more involved and a heavier use than manufacturing /industrial uses.

Opened Public Hearing at: 6:42 p.m.

Pastor Tom Boonstra addressed the Commission, he spoke in support of the project. He addressed the fire sprinkler requirements and that he would cut off a portion of the overhang (at least two (2) feet) to be within the required square footage that would not trigger the required fire sprinklers. He clarified that his church plans on only using 1/3 of the building for now and as it grows will expand in a year or so by remodeling some of the existing rooms being used for storage now. He only plans on making minor tenant improvements to move some walls , but he will make the required improvements. He noted that the staff report discussed trash enclosures, and landscaping. The site does not have trash enclosures now and there is existing landscaping on site with trees that just need to be maintained. Staff noted they will review and make any necessary modifications to conditions.

C/Jones inquired whether the property had been purchased already, the applicant stated that they had an option to buy, pending the approval of this conditional use permit.

C/Epperson, inquired about fire sprinklers in restrooms, kitchen areas.

Planning Consultant, Dave Brletic, noted that a few things should be added to the conditions of approval.

1. Future noxious industrial uses that will develop in the industrial zone district that could be a nuisance for the church because the industrial zone is intended for these uses by right. The Mid Valley Disposal expansion was given as an example, it is in the process of being expanded and at full built out the project will have an entrance off of Church Avenue with a two-story administration building, that will be a mirror of the Mid Valley Disposal entrance off of Jensen Avenue. What is quite now could be used with daily traffic, trucks, etc. seven days a week. So while right now the industrial zone is not fully occupied it will be developed eventually and the Church needs to be aware of that fact.
2. A condition to require the conditional use permit be renewed every year or every two (2) years to assure that the use, occupancy uses, parking, etc. is consistent with what has been approved and that permits have been issued for any improvements to the building as required.

Closed Public Hearing at: 7:20 p.m.

No other comments

C/Jones made a motion to approve Resolution Approving Conditional Use Permit 16.03, Kerman Baptist Church to occupy a site in an (M-2) Industrial zone district located at 15260 W. Church Avenue, second C/Bandy. Resolution passed by the following vote:

Yes: Bandy, Epperson, Wettlaufer, Nunez, Jones, Espino

Noes: None

Absent: None

Abstain: None

4. PETITIONS/RESOLUTIONS None Offered

5. ADMINISTRATIVE REPORTS

- A. Subject:** Kevin Nehring, Vice-Chairman has been appointed to the City Council effective May 18th. Mr. Nehring will fill the vacant seat of Nathan Fox until his term ends December 2016.

This is an information item only, the Council is the only body that can decide whether to fill the position or not, Mr. Nehring's City Council seat ends December 31, 2016 at which time he will decide to run for Council or he will return to the Commission. The Commission will vote for a Vice-Chairperson at the next meeting.

COMMUNICATIONS - None Offered

ADJOURNMENT: 7:30 pm



Olivia G. Pimentel

Secretary to the Planning Commission